

APPROVED MINUTES

KITTERY TOWN COUNCIL

August 26, 2013

COUNCIL CHAMBERS

1. Call to Order

Chairperson Dow called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Dow read the introductory.

3. Pledge of Allegiance

Chairperson Dow led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson George Dow, Councilors Frank Dennett, Jeffrey Thomson, Judy Spiller and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Chairperson Dow indicated they needed to add a item under new business, 13g, to appoint a Council representative to interview Daniel Arbo to the Kittery Port Authority for reappointment to that board until 8/26/18.

The agenda was accepted as amended.

6. Executive Session - None .

7. Acceptance of Previous Minutes –

The minutes of 8/14/13 and 8/19/13 were accepted as presented.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. (080513-1) The Kittery Town Council moves to authorize, through an alternative procurement method, in accordance with Sec. 3.2.7 of the Kittery Town Code for the Town Manager to negotiate and enter into a contract(s) with Kleinfelder (formerly SEA Consultants) to provide necessary professional engineering services associated with the remainder of the final design and construction of the Sewer CIP projects.

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George Kathios, Superintendent of Sewers, came to the podium and stated they had been using Kleinfelder for 25-30 years and they had proven they do excellent work and have saved the town money. He continued that he thought they should stay on the project and that it would also save him a lot of time.

COUNCILOR THOMSON MOVED TO AUTHORIZE, THROUGH AN ALTERNATIVE PROCUREMENT METHOD, IN ACCORDANCE WITH SEC. 3.2.7 OF THE KITTELY TOWN CODE FOR THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT(S) WITH KLEINFELDER (FORMERLY SEA CONSULTANTS) TO PROVIDE NECESSARY PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE REMAINDER OF THE FINAL DESIGN AND CONSTRUCTION OF THE SEWER CIP PROJECTS, SECONDED BY COUNCILOR BRAKE.

Councilor Dennett indicated that he did not know if Kleinfelder was offering the best price because there were no other bid comparisons. He continued that he did not think that one firm should be guaranteed the work without competitive comparison and that he was trying to protect the taxpayers' interest.

Mark Thomson of Kleinfelder, came to the podium and noted that the firm was paid by contract directly through the town. He continued there were ways for the town to understand that his firm has reasonable fees and that there were guidelines that firms needed to follow.

COUNCILOR DENNETT MOVED TO AMEND THE MAIN MOTION TO DELETE THE REFERENCE TO TOWN MANAGER AND INSERT PURCHASING AGENT, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION, WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 4/1.

b. (080513-2) The Kittery Town Council moves to discuss and authorize the issuance of payment, through BAN financing in the amount of \$7,800,000 for the infrastructure and Phase 1 of the Sewer extension project.

Joe Cuetara, financial advisor, came to the podium and indicated that the timing was fluid and that he had put together a financing model which called for interim financing in October. He continued that he wanted the money to be available mid-September and that the taxpayers would not be footing the bill. Mr. Cuetara stated the original loan could then be rolled over in November of 2014 and they could determine then if additional money was needed.

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Councilor Dennett asked how the town could spend 7.8 million dollars in the next year. Mark Thomson stated that it was unlikely but they were being conservative and the projected figure was closer to 5.8 million. Mr. Cuetara indicated that the 7.8 million would give some breathing room if the project fell behind and also that interest rates were going up. He continued that Council could decide how much money was needed. Councilor Dennett stated that he did not want to borrow more money than was necessary.

COUNCILOR THOMSON MOVED TO AUTHORIZE THE ISSUANCE OF PAYMENT, THROUGH BAN FINANCING IN THE AMOUNT OF \$6,500,000 FOR THE INFRASTRUCTURE AND PHASE 1 OF THE SEWER EXTENSION PROJECT, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

10. PUBLIC HEARINGS - None

11. DISCUSSION

a. Discussion by members of the public (three minutes per person) –

Steve Workman, Vice Chair of the KCC, came to the podium and stated that he wanted to offer his support for the bond for the open space acquisition. He continued that he would like to see it go further so they could look into the issue more in depth.

b. Chairperson's response to public – None

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition –

(080513-3) The Kittery Town Council moves to accept a check in the amount of \$9,250.00, representing the first installment of two, for scholarships for Recreation Programs, to be deposited in Acct. # 5003-43600, York Hospital Scholarship.

COUNCILOR THOMSON MOVED TO ACCEPT A CHECK IN THE AMOUNT OF \$9,250.00, REPRESENTING THE FIRST INSTALLMENT OF TWO, FOR SCHOLARSHIPS FOR RECREATION PROGRAMS, TO BE DEPOSITED INTO ACCOUNT #5003-43600, YORK HOSPITAL SCHOLARSHIP, SECONDED BY COUNCILOR BRAKE.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

b. (080513-4) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Janice Carson for her re-appointment to that board until 8/27/16.

COUNCILOR THOMSON MOVED TO WAIVE COUNCIL PROCEDURE AND REAPPOINT JANICE CARSON TO THE CONSERVATION COMMISSION FOR A TERM ENDING 8/27/16, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

c. (080513-5) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

d. (080513-6) The Kittery Town Council moves to appoint Gary E. Eaton as Emergency Preparedness Director.

COUNCILOR SPILLER MOVED TO APPOINT GARY E. EATON AS EMERGENCY PREPAREDNESS DIRECTOR, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

e. (080513-7) The Kittery Town Council moves to discuss and schedule a public hearing to approve a citizen ballot item for the November election on an Open Space Acquisition Bond in the amount of one million dollars (or other amount to be determined) and authorize the Town Council to acquire an open space recreational, conservation or other publicly beneficial land and/or easements.

COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING TO APPROVE A CITIZEN BALLOT ITEM FOR THE NOVEMBER ELECTION ON AN OPEN SPACE ACQUISITION BOND IN THE AMOUNT OF ONE MILLION DOLLARS (OR OTHER AMOUNT TO BE DETERMINED) AND AUTHORIZE THE TOWN COUNCIL TO ACQUIRE AN OPEN SPACE RECREATIONAL, CONSERVATION OR OTHER PUBLICLY BENEFICIAL LAND AND/OR EASEMENTS FOR SEPTEMBER 9, 2013, SECONDED BY COUNCILOR THOMSON.

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Councilor Thomson stated they had been discussing this on the KCC board and the town planner had brought some issues forward. He continued that the problem was that the town was too slow to take advantage of opportunities in town for public access. He continued this was an effort to give the opportunity to have an account so the town could take action faster than it could having a town wide vote. Councilor Dennett indicated he did not think it was a good use of town money. Councilor Spiller stated she would not be present for the vote, but encouraged Council to move forward.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

f. (080513-8) The Kittery Town Council moves to re-appoint Heather Ross as Building Official until 4/30/14.

COUNCILOR THOMSON MOVED TO RE-APPOINT HEATHER ROSS AS BUILDING OFFICIAL UNTIL 4/30/14, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

g. The Kittery Town Council moves to appoint a representative to meet with the Chair of the Kittery Port Authority to interview Daniel Arbo for re-appointment to that board until 8/26/18.

COUNCILOR THOMSON MOVED TO WAIVE COUNCIL INTERVIEW AND REAPPOINT DANIEL ARBO TO THE KITTERY PORT AUTHORITY FOR A TERM ENDING 8/26/18, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

14. COUNCILOR ISSUES OR COMMENT

Councilor Thomson indicated that he thought there were two more houses in town that the CEO should look at relative to the dangerous building statute.

Councilor Thomson stated he hoped that Council could set the mil rate at the September 9th meeting, or hold a special meeting. Town Manager Place indicated a special meeting would be held on September 16th or 18th.

Councilor Spiller noted she had received numerous complaints about people running across the traffic circle to take pictures at the Thresher Memorial. Councilor Dennett stated there was an agreement to enforce those issues between the Thresher Memorial Committee and DOT.

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15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Dow stated they would be holding an executive session on September 4th at 6 P.M. relative to a personnel matter.

b. Town Manager's Report –

Town Manager Place stated she had received a resignation letter from Maryann Conroy, Director of Public Works and that her last day would be the following Friday.

c. Committee Reports –

Councilor Thomson noted that the winter program brochure had gone out for the KCC.

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR THOMSON WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:14 P.M.